



## Frequently Asked Questions on Manhaj : Part 17

### Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at Wwww.SalafiPublications.Com that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

### Question 23: What is the issue concerning Tashree' and Taqneen?

Shaikh Abul-Hasan al-Ma'ribi said, "Sometimes, one amongst them (the Qutubiyyah, Takfiriyyah) might say, "We hold onto the tafseel (clarification, distinction) of the Salaf on this matter, we hold on to the tafseel of the Salaf, and we do not reject it. But we hold this tafseel on the issue of ruling (al-hukmu) by other than what Allaah has revealed. But as for legislating (at-tashree') by other than the judgement of Allaah, we do not hold this tafseel." These words of theirs are actually nothing but polemics and philosophy, because, there is no real difference behind these words, since the one who judges (hakama) by other than what Allaah has revealed in a particular matter, then he has legislated (shara'a) a judgement other than Allaah's judgement in this issue. And whoever judges (hakama) by other than what Allaah has revealed and then makes this judgement binding upon the people is just like the one who legislated (shara'a) a judgement upon other than the legislation (shar') of Allaah and made it binding upon the people. What is this philosophy?" End quote. (Cassette: The Qutubi, Suroori School of Doctrine)

And this doubt is answered by the following:

Firstly: when someone makes a judgement in an affair, either based upon his own judgement (that opposes what Allaah has revealed) or based upon a law from somewhere else (that opposes what Allaah has revealed), then he has made tashree' in this issue. He has legislated a hukm (ruling) in this issue which opposes what Allaah has revealed.

Secondly: this doubt of tashree' (legislating) is presented by portraying tashree' **to be synonymous** with making lawful what Allaah has made unlawful and making unlawful what Allaah has made lawful, and also making it **synonymous** with holding the belief that the law which is being legislated (whether that be a ruler's own invention, or whether

it is borrowed from other laws) is actually superior to the judgement of Allaah – and this does not bind at all.

This doubt is based upon the saying of Imaam ash-Shanqeetee, “...And as for the legislative code (Nidhaam ush-Shar’iyy) which is in opposition to the legislation of the Creator of the Heavens and Earth, then instituting it (takheemihi) is disbelief in the Creator of the Heavens and the Earth. Such as **the claim** that favouring the man over the women in the issue of inheritance is not from justice, or that it is necessary for them to be considered equal in receiving inheritance, or like **the claim** that polygamy is (a form of) oppression, or that divorce is oppressive for the woman, or that stoning (for adultery) and chopping (the hand for theft) are from the strange (backward) actions and that it is not permissible to apply them to a human being, **and other such (claims).**”. (Adwaa ul-Bayaan 4/90).

Even though in this statement ash-Shanqeetee has clearly used the terms “the claim that”, indicating that this is a matter of belief – hence, his judgement is based upon the expression of belief. Imaam ash-Shanqeetee makes this tafseel and says, “And by this it is known that the halaal (lawful) is what Allaah has declared lawful and the haraam (unlawful) is what Allaah has declared unlawful, and the deen (religion) is what has been legislated by Allaah. Therefore, every legislation (tashree’) from other than Him is falsehood, and acting upon it – instead of (badala) the legislation of Allaah, **for the one who believes that it is equivalent to it, or better than it** – is clear, manifest kufr, there being no doubt in it.”. (Adwaa ul-Bayaan 7/162).

The Doctor, ‘Abdul-Azeez bin Saalih at-Tuwayyaan wrote an Academic Paper entitled, “Juhood Shaikh Muhammad al-Ameen ash-Shanqeetee Fee Taqreer Aqeedat us-Salaf” (The Striving of Shaikh Muhammad al-Ameen ash-Shanqeetee in Corroborating the Aqeedah of the Salaf), which was given an introduction by both Shaikh Salih al-‘Ubood (the Director of the Islamic University of Madinah) and also Shaikh Abdul-Muhsin al-‘Abbaad.

Dr. at-Tuwayyaan quotes the saying of Imaam ash-Shanqeetee, “Those who follow the secular laws which Satan has legislated upon the tongues of his allies, and which are in opposition to what Allaah, the Majestic and Exalted, has legislated upon the tongues of his Messengers (sallallaahu alaihim wasallam), then no one doubts about their kufr and Shirk, except one whose eyesight Allaah has blinded from the light of revelation”.<sup>1</sup> (Adwaa ul-Bayaan 4/90) And he then comments with the following note:

“And from this, the Shaikh’s resolute position towards the one who changed (ghayyara) the judgement of Allaah, and judged by the judgement of the Tawaagheet becomes clear, since he (the Shaikh) speaks of the kufr of such a one, rather the kufr of the one who

---

<sup>1</sup> And this position of the Shaikh is not to be taken absolutely, without tafseel, as we shall see, since this would necessitate the takfir of those who do not consider that replacement (istibdaal) of the Sharee’ah with other laws is major kufr except by way of Istihlaal and I’tiqaad, and this includes Imaam Ibn Baaz, Imaam al-Albaani, Imaam Ibn Uthaimen, Shaikh Abdul-Muhsin al-‘Abbaad and many many others from Ahl us-Sunnah.

doubts in the kufr of such a one. And the position of the Shaikh (rahimahullaah) is not to be taken absolutely (‘alaa itlaaqihi), since we see him explaining in other places, when ruling by other than what Allaah has revealed becomes the kufr that expels from the religion, and when the person who commits it is a sinner who falls into what is haraam, and which does not expel him from Islaam. So he says (rahimahullaah), ‘Kufr, dhulm and fisq, all of them can be used in the legislation with the intent of ‘disobedience’ at one time and with the intent of kufr that ejects from the religion another time’. And whoever does not judge by what Allaah has revealed, turning away and contradicting the Messenger (sallallaahu alaihi wasallam) and nullifying the rulings (ahkaam) of Allaah, then his dhulm, fisq, and kufr - all of them are disbelief that eject from the religion. And whoever does not judge by what Allaah has revealed, whilst believing that he is committing a forbidden action and doing a reprehensible action, then his kufr, dhulm and fisq does not eject him from the religion. (Adwaa al-Bayaan 2/104)”. And the view of the Shaikh is the view of the notable scholars before him, such as Ibn al-Qayyim (rahimahullaah)... and from this detailed tafseel from Ibn al-Qayyim (rahimahullaah) in this matter we come to know the agreement of Shaikh al-Ameen’s aqeedah with the aqeedah of the Salaf before him, and also his striving (rahimahullaah) to corroborate the aqeedah of the Salaf and traversing upon it and following their way becomes clear.” (Juhood Shaikh ash-Shanqeetee Fee Taqreer Aqeedat us-Salaf pp.182-183).

Therefore the issue of taqneen and tashree’, itself has the tafseel of the Salaf applied to it – and mere tashree’ and tahkeem in and of itself is not sufficient to warrant major kufr, and nor to warrant takfir. If someone **claims** that what he is judging by (whether that is from his own legislation, or from somewhere else), that it is better than what Allaah has revealed, or equal to it, then such a one is a kaafir. Likewise, if someone **claims** that cutting off the hands of the thief and stoning the adulterer is barbaric (and hence judges by other laws that do not involve cutting off the hands) then such a one too is a kaafir. And all of this is related to belief (‘tiqaad), which cannot be known unless it is expressed. Hence, the issue of tashree’ and taqneen has the same tafseel as ruling by other than what Allaah has revealed.

Shaikh Abul-Hasan al-Ma’ribi stated, “And yet this ruler alongside his ruling by other than what Allaah has revealed, it has not become apparent to us, and nor to the opposer, it has not become clear to us that he has made it explicit that his judgement is better than the judgement of Allaah, or that it is permissible for him to judge alongside Allaah’s (judgement), or that his judgement is equivalent to the judgement of Allaah and other such expressions which the Salaf, may Allaah be pleased with them, have explained.

And if you were to ask the opposer, “Have you heard this man say that his judgement is better than the judgement of Allaah, or other such words” he will say, “If he believed that Allaah’s judgement is better than his own, then why does he judge by it (his own judgement)?” Now this answer, it does not necessitate that he makes his judgement superior to that of Allaah’s and nor that he equates between his judgement with that of Allaah’s and nor does it necessitate that he has made it permissible for himself to legislate alongside Allaah.

For the sinners who commit shameful deeds and major sins, if the words of our opponent was correct and sound, then we could also analogise it for the sinners, and so it could be said, "If he had not made istihlaal of zinaa (i.e. said it was lawful, as a matter of belief), he would not have committed zinaa. Why does he go and get married. Or if he was married, why is he not satisfied with his wife that Allaah has made lawful to him? So why does he enter into the haraam? He did not commit this except that he declared it lawful (as a matter of belief)."

**Hence, when this is the affair that is reached by our opponent, it becomes binding upon him (by way of his argument) to make takfir on account of major sins. And this is the very saying of the Khawaarij without any dispute amongst Ahl us-Sunnah wal-Jamaa'ah. Hence, this extremism and exaggeration in the issue of takfir is one of their manifest characteristics...<sup>2</sup>**

...And if you were ask the one who says this, and you said to him, "What is the difference then?". If he replied that the issue of ruling by other than what Allaah has revealed has the well-known tafseel applied to it, but the issue of legislating (at-tashree') does not have tafseel in it, then say to him, "Has anyone from the Salaf said this before you? Name me a single person from the Salaf who said that the one who judges by other than what Allaah has revealed is different to the one who legislates by other than Allaah's legislation. Name me one from the Salaf."

So when he is not able to mention a single one from the Salaf, yet the verses relating to ruling by other than what Allaah has revealed are present and those which censure those who legislate by other than Allaah's legislation are all present in the Book, present in the Qur'aan, yet alongside that the Salaf did not make note of this matter which the opponent has made note of in the current times.

And this in itself is sufficient to show that this distinction and this categorisation is a newly-introduced matter, to which no attention is given. Hence, exaggeration and extremism in this issue of ruling by other than what Allaah has revealed is a manifest characteristic of these people." End quote from Shaikh Abul-Hasan al-Ma'ribi. (Cassette: The Qutubi, Suroori School of Doctrine).

And to illustrate this more clearly, a ruler might make a legislation allowing the existence of banks that deal in ribaa (usury) – and this could be from the point of view of his wanting to consume ribaa, that is fisq. This legislation does not indicate that the ruler considers the taking of ribaa to be lawful (istihlaal), nor does it conclusively indicate that the ruler considers the taking of ribaa to be better than what is in the Sharee'ah judgement, namely that it is unlawful. So the point here is that mere tashree' and taqneen, in and of itself, is not sufficient in order to pass the judgement of major kufr (upon an act) and of takfir (upon an individual). Since, the operating motive behind this could be dhulm, or fisq, as well as kufr. Similarly, if a judge or a ruler, knowing the punishment for

---

<sup>2</sup> This is exactly what Safar al-Hawali, Salman al-Awdah and Nasir al-Umar and others from the Qutubiyyah fell into!! As has been detailed elsewhere, so refer to it. And this was one of the reasons why Imaam al-Albaani labelled them "The Khawaarij of the Era".

someone who has stolen, and knowing that someone has indeed stolen and is guilty, decides that he should be whipped instead of having his hand cut off, then he has legislated (tashree') a judgement (hukm) in this issue, which is other than the judgement of Allaah. However, this does not necessitate that he has considered this lawful and nor that whipping is better, and nor that cutting the hand is barbaric. Since, the operating motive behind this could be fisq, or to favour the one upon whom he is imposing punishment (while he knows Allaah's judgement of cutting off the hands to be better and superior, and that it is obligatory to judge by it and so on).

So in short, all of this indicates that the issue of tashree' is merely a play with words and making binding upon this term what is not actually binding. In reality, the issue of tashree' (legislating), also falls back upon the tafseel of the Salaf.

Then another doubt related to this is that they say that tashree' is the right of Allaah alone and that anyone who contends with him in this regard is contending with his Uloohiyyah and his Ruboobiyyah. So they tie this matter together with the issue of Uloohiyyah and Ruboobiyyah, and this is indeed correct. However, it is also correct for a single matter, and it is correct for ten matters and it is correct for at-tashree' ul-aamm (general legislation). Hence, it can be argued that anyone who did not rule by what Allaah has revealed in a single matter has contended with Allaah in his Uloohiyyah and Ruboobiyyah since in judging with a judgement other than that of Allaah, he has contended with Allaah's Uloohiyyah and Ruboobiyyah. This applies to even in a single issue. And of course, their distinguishing between this and between general legislation (at-tashree' al-aamm) has no basis.

What they do quote is the words of Imaam ash-Shanqeetee who says, "So associating with Allaah in His hukm (judgement) is like associating with Allaah in his ibaadah (worship). He said concerning his judgement **"And He does not let anyone share in His judgement"** and in the reading of Ibn 'Aamir from the seven (readings), **"And do not associate (anyone) with Allaah in His judgement"** and this in the form of a prohibition. And concerning Shirk in his worship he said, **"And whoever hopes in the meeting with His Lord, then let him work righteous deeds and in the worship of his Lord associate none as a partner"**, hence both the matters are the same".<sup>3</sup> (Adwaa ul-Bayaan 7/162)

However, on the very same page, ash-Shanqeetee clarifies this and conditions this and so he says immediately after, "And by this it is known that the halaal (lawful) is what Allaah has declared lawful and the haraam (unlawful) is what Allaah has declared unlawful, and the deen (religion) is what has been legislated by Allaah. Therefore, every legislation (tashree') from other than Him is falsehood, and acting upon it – instead of (badala) the

<sup>3</sup> And this is often quoted by the Qutubiyyah as follows, "And associating with Allaah in his judgement is like associating with Him in His worship. They are both with the same meaning, and there is no difference between them ever. Hence, the one who follows a code (nidhaam) other than the code of Allaah, and a legislation (tashree') other than the legislation of Allaah, then he is like the one who worships an idol and prostrates to a statue. There is no difference between them whatsoever, from any aspect, and they are both the same thing, both are Mushriks with Allaah".

legislation of Allaah, **for the one who believes that it is equivalent to it, or better than it** – is clear, manifest kufr, there being no doubt in it”. (Adwaa ul-Bayaan 7/162).

And hence, there is no proof for them at all!! Let alone the fact that this type of logic can also be applied to all major sins. So for example the drinking of alcohol, it can be argued that whoever drinks alcohol has misappropriated the right of Allaah over his body, and has belittled and rejected the legislation of Allaah (in this matter). And we can take it a step further and say that whoever persists in drinking alcohol (or fornication or taking ribaa) and does this openly, then this proves that he has made istihlaal of his act and also considers it to be better and more superior as a way to be followed in opposition to what is in the Sharee’ah. And there is no doubt that the likes of this rhetoric leads to the saying of the Khawaarij, and this is exactly what the neo-Qutubiyyah fell into.

They also say that the legislating secular laws in general (both those that oppose the Sharee’ah and those that do not) entails making the claim to legislation, which belongs only to Allaah and it also entails misappropriating the right of Allaah, and also rejection of the Sharee’ah. And again the reply to this is that when one does not judge by what Allaah has revealed in a single matter, then one has made the claim to legislation and has misappropriated the right of Allaah and has rejected the Sharee’ah, since in his judging by other than what Allaah has revealed in this matter (whether it be a law from himself, or another law, like French, or British or American), he has legislated a judgement and has rejected the Sharee’ah (in that issue), and has considered his own judgement to be better – so there is no difference, in principle. So again, what evidence is there to distinguish between this and that? There is no evidence.

And amongst the evidences they used to use were from the words of Shaikh Ibn Uthaimeen in which he distinguished between a single matter and between general legislation (as occurs in his Majmoo’ al-Fataawaa), and that avails them nothing as the final viewpoint of the Shaikh, that which he settled on is that I’tiqaad and Istihlaal are required even for general legislation (at-tashree’ al-aamm) and replacement of the Sharee’ah, refer to MNJ050017, for a very explicit answer from the Shaikh.

And also amongst the evidences they use is the saying of Shaikh ul-Islaam Ibn Taymiyyah, “For if the ruler is pious, but he makes a judgement without knowledge, then he will be amongst the inhabitants of Hellfire. And if he knew (the judgement) but he judged in opposition to the truth which he knew, he will be amongst the inhabitants of the Hellfire. And when he judged without knowledge or justice, then it is more befitting that he should be amongst the inhabitants of Hellfire. This is when he makes a judgement concerning an affair in relation to a particular person. **As for when he makes a general ruling (hukman aamman) in the religion of the Muslims and makes truth into falsehood, falsehood into truth, sunnah into bid’ah and bid’ah into sunnah, the ma’roof into munkar and the munkar into ma’roof, forbids what Allaah and His Messenger have commanded and orders what Allaah and His Messenger have prohibited.** Then this is another manifestation, the Lord of all the Worlds, Diety of the Messengers and the Master of the Day of Judgement, to whom belongs praise in this world and the hereafter will pass judgement over it. “His is the

Decision, and to Him you (all) shall be returned.” (Al-Qasas 28:88) “He it is Who has sent His Messenger with guidance and the religion of truth (Islām), that He may make it (Islām) superior over all religions. And All-Sufficient is Allāh as a Witness. (Al-Fath 48:28).” Majmoo al-Fataawaa (35/388)

Then there is no judgement of takfir in this passage and nor any mention of major kufr! Rather, Shaikh ul-Islam submitted the judgement upon this to Allaah the Most High. As for the Qutubiyyah and Takfiriyyah, then their judgement is all cooked and prepared, ready to be served on a plate!

They also have many other statements of Shaikh ul-Islam Ibn Taymiyyah which they claim support their views, and all of these statements do not in fact, support them at all. Perhaps they will be covered in a separate discourse.

Then they also have a doubt based upon the words of the two Shakir brothers.

Concerning the words of Mahmood Shakir which are used to support the notions of Qutubism, “... So whoever argued with these two narrations (i.e. of Abu Miljaz) out of context<sup>4</sup> and distorted their meaning, seeking to defend his ruler, **or using them fraudulently to make it permissible to rule by other than what Allaah has revealed** and made incumbent upon His servants, then the Sharee’ah ruling upon him is the ruling of the one who willfully rejects one of the laws of Allaah (jahid). His repentance is to be sought, but if he persists and displays arrogance and wilfully denies the rule of Allaah (jahada hukmallaah) and is pleased with the replacement of the laws [of the Shar’eeah] (tabdil), then the ruling of a disbeliever, kafir, who is persistent upon his disbelief, is well known to the people of this religion.” [Notes to Tafsir of at-Tabari 10/349].

And also the words of Ahmad Shakir in Umdat ut-Tafseer (4/151), “And these narrations – from Ibn ‘Abbaas and others – are the ones which those who lead others astray play around with in this era of ours, from amongst those who ascribe themselves to knowledge, and other than them from those who are reckless towards the religion – **using them as an excuse for the permissibility of ruling by the invented secular paganistic laws...**”

The truth of the matter is that these narrations are in fact against them, not for them, for the Shaikhs are talking about the false use of these narrations “to make it permissible to rule by other than what Allaah has revealed” – and that the one who persists in doing so is a disbeliever. And this is indeed the truth and that which we hold as our religion!! For whoever makes istihlaal of ruling by the secular paganistic laws, he is a kaafir!! And likewise whoever makes juhood (rejection, as a matter of belief) then he too is a kaafir!!

---

<sup>4</sup> And this is concerning those who use these narrations to justify the act of ruling by other than what Allaah has revealed, seeking to make it permissible and claiming that the Sharee’ah is outmoded – intending thereby to defend their actions or those of their rulers.

As for the statement of Mahmood Shakir – also employed by the Qutubists - in which he states, “What we face today is the total desertion of Allah's law without exception and the preference of laws other than (in His) Book and the Prophet's Sunnah and a negation of all that is in Allah's Sharee'ah. **Indeed, the matter has reached [such proportions] that there are those who will argue for the preference of secular law above the Sharee'ah laws by arguing that laws of the Sharee'ah were intended for a specific period of time which has ended, and hence they are no longer valid.** What does this have to do with what is clarified by the statement of Abu Miljaz to a group of the Ibadiya among the tribe of 'Amr ibn Sadus?”

Then a number of points need to be noted:

1. The claim of the Shaikh that there is “total” desertion of Allaah's Law, “without exception” and a “negation” of “all” that is in the Sharee'ah – then this statement is not factually correct and the truth is otherwise as has been pointed out in the words of Imaam Ibn Baaz, Imaam al-Albani, Shaikh Ibn Uthaimeen and Shaikh Salih al-Fawzaan and many others. Hence, the Qutubists, rely upon the errors of our Scholars and their general statements in order to justify their beliefs and claims.
2. The statement of the Shaikh is in fact against the Qutubists, not for them, since he states that some people argue that for the preference of secular laws with the claim that the Sharee'ah is outdated and no longer relevant to our times. And this is disbelief!! It is the kufr of belief! It is but the very tafseel of the Salaf, that we are corroborating!
3. The issue revolves around the use of the incident with Abu Mijlaz in order to make it permissible to rule by secular laws and to defend the actions of the ruler(s) in this regard, and there is no one who uses these narrations to make istihlaal of ruling by the secular laws and nor to defend the crime of not ruling by what Allaah has revealed.
4. It is unfortunate that the Qutubists failed to make a distinction between the one who uses the narrations of Abu Mijlaz and Ibn Abbaas **in order to justify and make lawful ruling by other than what Allaah has revealed (Istihlaal)**, claiming that the Sharee'ah is outdated and between the one who uses the narrations of Abu Mijlaz in order to refute the Khawarij who would perform takfir of the rulers by their mere commission of what is a sin (that is kufr doona kufr) and in order to affirm that there is tafseel (clarification) in the matter.

As for those who forge a great lie against us and claim that we use the tafseer of Ibn 'Abbaas in order to make it permissible to rule by the secular laws or that we make it an excuse for the rulers of today to do so, or to defend them, or to “cement their thrones” then may Allaah hold the criminals to account. Rather, we say exactly as the two Shakirs say, in what we have quoted from them above. So the narrations from the two Shakir brothers do not support the Qutubists in any way in their attack and assault against Ahl us-Sunnah.<sup>5</sup>

---

<sup>5</sup> There are also many other statements that are brought from the two Shakir's and they too are against the Harooriyyah, but this is not the place for a detailed treatment. In summary, though,



Hence, the opponents have no real proof in order to negate the tafseel of the Salaf, but only rhetoric and logic. There are many more statements they use, but they are all similar and all have similar answers. They leave what is clear and unambiguous and then go and find ambiguous statements, in order to nullify the tafseel of the Salaf.

In summary, the issue of tashree' or taqneen (legislating) itself, comes under the tafseel of the Salaf, and this is clear – even in the words of those whom the Qutubiyyah quote from in order to justify their viewpoint – such as Imaam ash-Shanqeetee and the two Shakir brothers. So there is nothing in their favour, except sentiments, emotions and whims. The plot of the Qutubiyyah is to expel the issue of taqneen and tashree' from the framework of the tafseel of the Salaf, so that they can be left to make absolute, unrestricted takfir. To this end they utilise many statements, more than what we have covered here, in order to fool the people into believing that they are upon the truth.

---

they think that there exists in these statements what justifies their absolution and generalisation, when in fact, no such proof exists for them.